

Calendar No. 702

106TH CONGRESS
2D SESSION**S. 1482****[Report No. 106–353]**

To amend the National Marine Sanctuaries Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1999

Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. BREAUX and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 21, 2000

Reported by Mr. MCCAIN, with amendments

[Omit the part struck through and insert the part printed in *italie*]**A BILL**

To amend the National Marine Sanctuaries Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Marine Sanc-
5 tuaries Amendments Act of ~~1999~~, 2000”.

1 **SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES**
 2 **ACT.**

3 Except as otherwise expressly provided, whenever in
 4 this Act an amendment or repeal is expressed in terms
 5 of an amendment or repeal to, or repeal of, a section or
 6 other provision, the reference shall be considered to be
 7 made to a section or other provision of the National Ma-
 8 rine Sanctuaries Act (16 U.S.C. 1431 et seq.).

9 **SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES.**

10 (a) AMENDMENT OF FINDINGS.—Section 301(a) (16
 11 U.S.C. 1431(a)) is amended—

12 (1) by striking “research, educational, or aes-
 13 thetic” in paragraph (2) and inserting “scientific,
 14 educational, cultural, archaeological, or aesthetic”;

15 (2) by inserting “ecosystem” after “comprehen-
 16 sive” in paragraph (3);

17 (3) by striking “wise use” in paragraph (5) and
 18 inserting “sustainable use”; *and*

19 ~~(4) by striking “and” after the semicolon in~~
 20 ~~paragraph (5);~~

21 ~~(5) (4)~~ by striking “protection of these” in
 22 paragraph (6) and inserting “protecting the bio-
 23 diversity, habitats, and qualities of such”; and

24 ~~(6) (5)~~ by inserting “and the values and ecologi-
 25 cal services they provide” in paragraph (6) after
 26 “living resources”.

1 (b) AMENDMENT OF PURPOSES AND POLICIES.—

2 Section 301(b) (16 *U.S.C.* 1431(b)) is amended—

3 (1) by striking “significance;” in paragraph (1)
4 and inserting “significance and to manage these
5 areas as the National Marine Sanctuary System;”;

6 (2) by striking paragraph (3) and inserting the
7 following:

8 “(3) to maintain natural biodiversity and bio-
9 logical communities, and to protect, and where ap-
10 propriate, ~~restore~~, *restore* and enhance natural habi-
11 tats, populations, and ecological processes;”;

12 (3) by striking “understanding, appreciation,
13 and wise use of the marine environment;” in para-
14 graph (4) and inserting “understanding, and appre-
15 ciation of the natural, historical, cultural, and ar-
16 chaeological resources of national marine sanc-
17 tuaries;”;

18 (4) by redesignating paragraphs (5) through
19 (9) as paragraphs (6) through (10), and inserting
20 after paragraph (4) the following:

21 “(5) to support, promote, and coordinate sci-
22 entific research on, and long-term monitoring of, the
23 resources of these marine areas;”;

24 (5) by striking “areas;” in paragraph (8), as re-
25 designated, and inserting “areas, including the ap-

1 plication of innovative management techniques;
2 and”;

3 (6) by striking “marine resources; and” in
4 paragraph (9), as redesignated, and inserting “ma-
5 rine and coastal resources.”; and

6 (7) by striking paragraph (10), as redesignated.

7 **SEC. 4. CHANGES IN DEFINITIONS.**

8 Section 302 (16 U.S.C. 1432) is amended—

9 (1) by striking “304(a)(1)(C)(v)” in paragraph
10 (1) and inserting “304(a)(2)(A)”;

11 (2) by striking “ ‘Magnuson” in paragraph (2)
12 and inserting “ ‘Magnuson-Stevens”;

13 (3) by striking “and” after the semicolon in
14 subparagraph (B) of paragraph (6);

15 (4) by striking “resources;” in subparagraph
16 (C) of paragraph (6) and inserting “resources; and”;

17 (5) by inserting after paragraph (6)(C) the fol-
18 lowing:

19 “(D) the cost of curation and conservation
20 of archaeological, historical, and cultural sanc-
21 tuary resources;”;

22 (6) by striking “injury;” in paragraph (7) and
23 inserting “injury, including enforcement activities re-
24 lated to any incident;”

1 (7) by striking “educational, or ” in paragraph
 2 (8) and inserting “educational, cultural, archae-
 3 ological,”;

4 (8) by striking “and” after the semicolon in
 5 paragraph (8);

6 (9) by striking “Magnuson Fishery Conserva-
 7 tion and Management Act.” in paragraph (9) and
 8 inserting “Magnuson-Stevens Act;”; and

9 (10) by adding at the end thereof the following:

10 “(10) ‘system’ means the National Marine
 11 Sanctuary System established by section 303; and

12 “(11) ‘person’ has the meaning given that term
 13 by section 1 of title 1, United States Code, but in-
 14 cludes a department, agency, and instrumentality of
 15 the government of the United States, a State, or a
 16 foreign Nation.”.

17 **SEC. 5. CHANGES IN SANCTUARY DESIGNATION STAND-**
 18 **ARDS.**

19 Section 303 (16 U.S.C. 1433) is amended—

20 (1) by striking the section caption and inserting
 21 the following:

22 **“SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.”;**

23 (2) by striking subsection (a) and inserting the
 24 following:

1 “(a) ESTABLISHMENT OF SYSTEM.—There is estab-
 2 lished the National Marine Sanctuary System, which shall
 3 consist of national marine sanctuaries designated by the
 4 Secretary in accordance with this title.”;

5 (3) by striking paragraph (3) of subsection (b),
 6 and redesignating paragraphs (1) and (2) as para-
 7 graphs (2) and (3);

8 (4) by striking so much of subsection (b) as
 9 precedes paragraph (2), as redesignated, and insert-
 10 ing the following:

11 “(b) SANCTUARY DESIGNATION STANDARDS.—

12 “(1) IN GENERAL.—Before designating an area
 13 of the marine environment as a national marine
 14 sanctuary, the Secretary shall find that—

15 “(A) the area is of special national signifi-
 16 cance due to its—

17 “(i) biodiversity;

18 “(ii) ecological importance;

19 “(iii) archaeological, cultural, or his-
 20 torical importance; or

21 “(iv) human-use values;

22 “(B) existing State and Federal authorities
 23 should be supplemented to ensure coordinated
 24 and comprehensive conservation and manage-

1 ment of the area, including resource protection,
2 scientific research, and public education;

3 “(C) designation of the area as a national
4 marine sanctuary will facilitate the objectives in
5 subparagraph (B); and

6 “(D) the area is of a size and nature that
7 will permit comprehensive and coordinated con-
8 servation and management.”;

9 (5) by striking “subsection (a)” in paragraph
10 (2), as redesignated, and inserting “paragraph (1)”;

11 (6) by redesignating subparagraphs (E)
12 through (I) of paragraph (2), as redesignated, as
13 paragraphs (F) through (J), and inserting after
14 paragraph (D) the following:

15 “(E) the areas’s scientific value and value
16 for monitoring as a special area of the marine
17 environment;”;

18 (7) by redesignating subparagraphs (H), (I),
19 and (J), as redesignated, as subparagraphs (I), (J),
20 and (K) and by inserting after subparagraph (G), as
21 redesignated, the following:

22 “(H) the feasibility, where appropriate, of
23 employing innovative management approaches
24 to protect sanctuary resources or to manage
25 compatible uses;”;

1 (8) by striking “vital habitats, and resources
2 which generate tourism;” in subparagraph (I), as re-
3 designated, and inserting “and vital habitats;”;

4 (9) by redesignating subparagraphs (J) and (K)
5 as subparagraphs (K) and (L), and inserting after
6 subparagraph (I) the following:

7 “(J) the value of the area as an addition
8 to the System;”; and

9 (10) by striking “Merchant Marine and Fish-
10 eries” in subparagraph (A) of paragraph (3), as re-
11 designated, and inserting “Resources”;

12 (11) by inserting after “Administrator” in sub-
13 paragraph (B) of paragraph (3), as redesignated the
14 following: “of the Environmental Protection Agen-
15 cy,”; and

16 (12) by adding at the end of subsection (b) the
17 following:

18 “(4) REQUIRED FINDINGS.—

19 ~~“(A) NEW DESIGNATIONS.—Before begin-~~
20 ~~ning the designation process for any sanctuary~~
21 ~~that is not a designated sanctuary before Janu-~~
22 ~~ary 1, 2000, the Secretary shall make, and sub-~~
23 ~~mit to the Congress, a finding that each des-~~
24 ~~ignated sanctuary has—~~

1 “(i) an operational level of facilities,
2 equipment, and employees;

3 “(ii) a list of priorities it considers
4 most urgent and a strategy to address
5 those priorities;

6 “(iii) a plan and schedule to complete
7 site characterization studies to inventory
8 existing sanctuary resources, including cul-
9 tural resources; and

10 “(iv) a plan for enforcement of the
11 Act within its boundaries, including part-
12 nerships with adjacent States or other au-
13 thorities.

14 “(B) EXCEPTION.—Subparagraph (A)
15 does not apply to any draft management plan,
16 draft environmental impact statement, or pro-
17 posed regulation for a Thunder Bay National
18 Marine Sanctuary.”.

19 “(A) *NEW DESIGNATIONS.*—*The Secretary*
20 *shall not publish in the Federal Register any*
21 *sanctuary designation notice or regulations pro-*
22 *posing to designate a new sanctuary unless the*
23 *Secretary has published in the Federal Register*
24 *and submitted to Congress a finding that the ad-*
25 *dition of a new sanctuary will not have a nega-*

1 *tive impact on the National Marine Sanctuary*
 2 *System and each designated sanctuary has—*

3 “(i) *an operational level of facilities,*
 4 *equipment, and employees;*

5 “(ii) *a plan for enforcement of the Act*
 6 *within its boundaries, including partner-*
 7 *ships with adjacent States or other authori-*
 8 *ties;*

9 “(iii) *sufficient resources available in*
 10 *the fiscal year in which the finding is made*
 11 *to implement the sanctuary management*
 12 *plan effectively;*

13 “(iv) *completed site characterizations*
 14 *studies, inventories of known sanctuary re-*
 15 *sources, and management plan review; and*

16 “(v) *a list of priorities and a strategy*
 17 *to address such priorities.*

18 “(B) *FAILURE TO COMPLETE CERTAIN RE-*
 19 *QUIREMENTS.—If the requirements of subpara-*
 20 *graph (A)(iv) have not been completed at the*
 21 *time of designation of a sanctuary, then the Sec-*
 22 *retary shall submit a plan and schedule for the*
 23 *completion of these activities for the sanctuary,*
 24 *based on the assumption that the amounts ap-*
 25 *propriated for the sanctuaries will be main-*

1 *tained at the same level for each fiscal year for*
 2 *the next 10 years.*

3 “(C) *EXCEPTION.*—Subparagraph (A) does
 4 *not apply to any draft management plan, draft*
 5 *environmental impact statement, or proposed*
 6 *regulation for the Thunder Bay National Marine*
 7 *Sanctuary.*

8 “(D) *DEADLINE.*—If a finding under sub-
 9 *paragraph (A) has not been published by Feb-*
 10 *ruary 1, 2004, the Secretary shall submit to*
 11 *Congress by September 30, 2004, a finding stat-*
 12 *ing whether the requirements in subparagraph*
 13 *(A) have been met.*

14 “(E) *SUNSET.*—The requirements of this
 15 *paragraph shall be in effect until September 30,*
 16 *2004.”.*

17 **SEC. 6. CHANGES IN PROCEDURES FOR DESIGNATION AND**
 18 **IMPLEMENTATION.**

19 (a) **CHANGES IN NOTICE REQUIREMENTS.**—Section
 20 304(a) (16 U.S.C. 1434(a)) is amended—

21 (1) by striking paragraph (1)(C) and inserting
 22 the following:

23 “(C) on the same day the notice required
 24 by subparagraph (A) is submitted to the Office
 25 of the Federal Register, the Secretary shall sub-

1 mit a copy of the notice and the draft sanctuary
2 designation documents prepared under para-
3 graph (2) to the Committee on Resources of the
4 House of Representatives and the Committee
5 on Commerce, Science, and Transportation of
6 the Senate.”;

7 (2) by redesignating paragraphs (2) through
8 (6) as paragraphs (3) through (7), and inserting the
9 following after paragraph (1):

10 “(2) SANCTUARY DESIGNATION DOCUMENTS.—

11 The Secretary shall prepare sanctuary designation
12 documents on the proposal that include the fol-
13 lowing:

14 “(A) A draft environmental impact state-
15 ment under paragraph (3).

16 “(B) A management plan document, which
17 the Secretary shall make available to the public,
18 containing—

19 “(i) the terms of the proposed des-
20 ignation;

21 “(ii) proposed mechanisms to coordi-
22 nate existing regulatory and management
23 authorities within the area;

24 “(iii) the proposed goals and objec-
25 tives, management responsibilities, re-

1 source studies, and appropriate strategies
2 for managing sanctuary resources, includ-
3 ing innovative approaches such as marine
4 zoning, interpretation and education, re-
5 search, monitoring and assessment, re-
6 source protection, restoration, and enforce-
7 ment (including surveillance activities for
8 the area);

9 “(iv) an evaluation of the advantages
10 of cooperative State and Federal manage-
11 ment if all or part of a proposed marine
12 sanctuary is within the territorial limits of
13 a State, or is superjacent to the subsoil
14 and seabed within the seaward boundary of
15 a State (as established under the Sub-
16 merged Lands Act (43 U.S.C. 1301 et
17 seq.);

18 “(v) an estimate of the annual cost to
19 the Federal government of the proposed
20 designation, including costs of personnel,
21 equipment and facilities, enforcement, re-
22 search, and public education; and

23 “(vi) the regulations proposed under
24 paragraph (1)(A).

1 “(C) Maps depicting the boundaries of the
2 proposed sanctuary.

3 “(D) A statement of the basis for the find-
4 ings made under section 303(b)(2).

5 “(E) An assessment of the considerations
6 under section 303(b)(1).

7 “(F) A resource assessment that
8 includes—

9 “(i) present and potential uses of the
10 area, including commercial and rec-
11 reational fishing, research and education,
12 minerals and energy development, subsist-
13 ence uses, and other commercial, govern-
14 mental, or recreational uses;

15 “(ii) a discussion, prepared after con-
16 sultation with the Secretary of the Interior,
17 of any commercial, governmental, or rec-
18 reational resource uses in the areas that
19 are subject to the primary jurisdiction of
20 the Department of the Interior; and

21 “(iii) information prepared in con-
22 sultation with the Secretary of Defense,
23 the Secretary of Energy, and the Adminis-
24 trator of the Environmental Protection
25 Agency, on any past, present, or proposed

1 future disposal or discharge of materials in
 2 the vicinity of the proposed sanctuary.”.

3 (b) OTHER NOTICE-RELATED CHANGES.—Section
 4 304(a) (16 U.S.C. 1434(a)) is further amended—

5 (1) by striking “as provided by” in subpara-
 6 graph (A) of paragraph (3), as redesignated, and in-
 7 serting “under”;

8 (2) by inserting “cultural, archaeological,” after
 9 “educational,” in paragraph ~~(4)~~, (5) as redesignated;

10 (3) by striking “only by the same procedures by
 11 which the original designation is made.” in para-
 12 graph ~~(4)~~, (5) as redesignated, and inserting “by fol-
 13 lowing the applicable procedures of the National En-
 14 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
 15 seq.) and chapter 5 of title 5, United States Code.”;

16 (4) by inserting “this Act and” after “objectives
 17 of” in the second sentence of paragraph (6), as re-
 18 designated; and

19 (5) by striking “Merchant Marine and Fisheries
 20 Resources” in paragraph (7), as redesignated, and
 21 inserting “Resources”.

22 (c) OTHER CHANGES.—Section 304 (16 U.S.C.
 23 1434) is amended—

24 (1) *by striking “(a)(6)” in subsection (b)(1) and*
 25 *inserting “(a)(7)”;*

1 ~~(1)~~ (2) by inserting “or the national system” in
 2 subsection (b)(2) after “sanctuary” *each place it ap-*
 3 *pears*;

4 ~~(2)~~ (3) by striking “management techniques,”
 5 in subsection (e) and inserting “management tech-

6 niques and strategies,”; and
 7 ~~(3)~~ (4) by striking “title.” in subsection (e) and
 8 inserting “title. This review shall include a
 9 prioritization of management objectives.”

10 **SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.**

11 Section 306 (16 U.S.C. 1436) is amended—

12 (1) by striking “sell,” in paragraph (2) and in-
 13 serting “offer for sale, sell, purchase, import, ex-
 14 port,”; and

15 (2) by striking paragraph (3) and inserting the
 16 following:

17 “(3) interfere with the enforcement of this title
 18 by—

19 “(A) refusing to permit any authorized of-
 20 ficer to board a vessel, other than a vessel oper-
 21 ated by the Department of Defense or United
 22 States Coast Guard, subject to such person’s
 23 control for the purpose of conducting a search
 24 or inspection in connection with the enforce-
 25 ment of this title;

1 “(B) assaulting, resisting, opposing, im-
 2 peding, intimidating, or interfering with any au-
 3 thorized officer in the conduct of any search or
 4 inspection under this title;

5 “(C) submitting false information to the
 6 Secretary or any officer authorized by the Sec-
 7 retary in connection with any search or inspec-
 8 tion under this title; or

9 “(D) assaulting, resisting, opposing, im-
 10 peding, intimidating, harassing, bribing, or
 11 interfering with any person authorized by the
 12 Secretary to implement the provisions of this
 13 title; or”.

14 **SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.**

15 Section 307 (16 U.S.C. 1437) is amended—

16 (1) by redesignating paragraphs (1) through
 17 (5) of subsection (b) as paragraphs (2) through (6),
 18 and inserting before paragraph (2) the following:

19 “(1) arrest any person, if there is reasonable
 20 cause to believe that the person has committed an
 21 act prohibited by section 306(3);”;

22 (2) by redesignating subsections (c) through (j)
 23 as subsections (d) through (k), and inserting after
 24 subsection (b) the following:

25 “(c) CRIMINAL OFFENSES.—

1 “(1) IN GENERAL.—Violation of section 306(3)
 2 is punishable by a fine under title 18, United States
 3 Code, imprisonment for not more than 6 months, or
 4 both.

5 “(2) AGGREGATED VIOLATIONS.—If a person in
 6 the course of violating section 306(3)—

7 “(A) uses a dangerous weapon,

8 “(B) causes bodily injury to any person
 9 authorized to enforce this title or to implement
 10 its provisions, or

11 “(C) causes such a person to fear immi-
 12 nent bodily injury,

13 then the violation is punishable by a fine under title
 14 18, United States Code, imprisonment for not more
 15 than 10 years, or both.”;

16 (3) by redesignating subsections (e) through
 17 (k), as redesignated, as subsections (f) through (l),
 18 respectively, and by inserting after subsection (d), as
 19 redesignated, the following:

20 “(e) JUDICIAL CIVIL PENALTIES.—The Secretary
 21 may bring an action to access and collect any civil penalty
 22 for which a person is liable under paragraph (d)(1) in the
 23 United States district court for the district in which the
 24 person from whom the penalty is sought resides, in which
 25 such person’s principal place of business is located, or

1 where the incident giving rise to civil penalties under this
 2 section occurred.”;

3 (4) by inserting “electronic files,” after
 4 “books,” in subsection (h), as redesignated; and

5 (5) by redesignating subsections (i) through (l),
 6 as designated, as subsections (j) through (m), and
 7 by inserting after subsection (h), as redesignated,
 8 the following:

9 “(i) NATIONWIDE SERVICE OF PROCESS.—In any ac-
 10 tion by the United States under this chapter, process may
 11 be served in any district where the defendant is found,
 12 resides, transacts business, or has appointed an agent for
 13 the service of process.”.

14 **SEC. 9. ADDITIONAL REGULATIONS AUTHORITY ADDED.**

15 Section 308 (16 U.S.C. 1439) is amended to read as
 16 follows:

17 **“SEC. 308. REGULATIONS AND SEVERABILITY.**

18 “(a) REGULATIONS.—The Secretary may issue such
 19 regulations as may be necessary to carry out this title.

20 “(b) SEVERABILITY.—If any provision of this title,
 21 or the application thereof to any person or circumstance,
 22 is held invalid, the validity of the remainder of this title
 23 and of the application of that provision to other persons
 24 and circumstances shall not be affected.”.

1 **SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDU-**
2 **CATION PROVISIONS.**

3 Section 309 (16 U.S.C. 1440) is amended to read as
4 follows:

5 **“SEC. 309. RESEARCH, MONITORING, AND EDUCATION PRO-**
6 **GRAMS AND INTERPRETIVE FACILITIES.**

7 “(a) IN GENERAL.—The Secretary shall conduct,
8 support, or coordinate research, monitoring, evaluation,
9 and education programs necessary and reasonable to carry
10 out the purposes and policies of this title.

11 “(b) RESEARCH AND MONITORING.—The Secretary
12 may support, promote, and coordinate appropriate re-
13 search on, and long-term monitoring of, the resources and
14 human uses of marine sanctuaries, as is consistent with
15 the purposes and policies of this title. In carrying out this
16 subsection the Secretary may consult with Federal agen-
17 cies, States, local governments, regional agencies, inter-
18 state agencies, or other persons, and coordinate with the
19 National Estuarine Research Reserve System.

20 “(c) EDUCATION AND INTERPRETIVE FACILITIES.—
21 The Secretary may establish facilities or displays—

22 “(1) to promote national marine sanctuaries
23 and the purposes and policies of this title; and

24 “(2) either solely or in partnership with other
25 persons, under an agreement under section 311.”.

1 **SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.**

2 Section 310 (16 U.S.C. 1441) is amended—

3 (1) by redesignating subsections (b) through ~~(e)~~
4 ~~(f)~~ as subsections (c) through ~~(f)~~, *(g)*, and by insert-
5 ing after subsection (a) the following:

6 “(b) PUBLIC NOTICE REQUIRED.—The Secretary
7 shall provide appropriate public notice before identifying
8 any activity subject to a special use permit under sub-
9 section (a).”;

10 (2) by striking “insurance” in paragraph (4) of
11 subsection (c), as redesignated, and inserting “insur-
12 ance, or post an equivalent bond,”;

13 (3) by striking “resource and a reasonable re-
14 turn to the United States Government.” in para-
15 graph (2)(C) of subsection (d), as redesignated, and
16 inserting “resource.”;

17 (4) by redesignating paragraph (3) of sub-
18 section (d), as redesignated, as paragraph (4), and
19 by inserting after paragraph (2) thereof the fol-
20 lowing:

21 “(3) WAIVER OR REDUCTION OF FEES.—The
22 Secretary may waive or reduce fees under this sub-
23 section, or accept in-kind contributions in lieu of
24 fees under this subsection, for activities that do not
25 derive profit from the access to and use of sanctuary

1 resources or that the Secretary considers to be bene-
2 ficial to the system.”; and

3 (5) by striking “designating and” in paragraph
4 (4)(B) of subsection (d), as redesignated.

5 **SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVI-**
6 **SIONS.**

7 Section 311 (16 U.S.C. 1442) is amended—

8 (1) by adding at the end of subsection (a) the
9 following: “Notwithstanding any other provision of
10 law to the contrary, the Secretary may apply for, ac-
11 cept, and use grants from Federal agencies, States,
12 local governments, regional agencies, interstate
13 agencies, foundations, or other persons, to carry out
14 the purposes and policies of this title.”; and

15 (2) by redesignating subsections (b), (c), and
16 (d) as subsections (c), (d), and (e), and inserting
17 after subsection (a) the following:

18 “(b) USE OF STATE AND FEDERAL AGENCY RE-
19 SOURCES.—The Secretary may, whenever appropriate, use
20 by agreement the personnel, services, or facilities of de-
21 partments, agencies, and instrumentalities of the govern-
22 ment of the United States or of any State or political sub-
23 division thereof on a reimbursable or non-reimbursable
24 basis to assist in carrying out the purposes and policies
25 of this title.”.

1 **SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRU-**
2 **CTION, LOSS, OR INJURY.**

3 (a) LIABILITY.—Section 312 (16 U.S.C. 1443(a)) is
4 amended—

5 (1) by striking “used to destroy, cause the loss
6 of, or injure” in subsection (a)(2) and inserting
7 “that destroys, causes the loss of, or injures”;

8 (2) by inserting “or vessel” after “person” in
9 subsection (a)(4);

10 (3) by inserting “(as defined in section
11 302(11))” after “damages” in subsection (b)(2);

12 (4) by striking “vessel who” in subsection (c)
13 and inserting “vessel that”;

14 (5) by striking “person may” in subsection (c)
15 and inserting “person or vessel may”;

16 (6) by inserting “by the Secretary” after
17 “used” in subsection (d); and

18 (7) by adding at the end of subsection (d) the
19 following:

20 “(4) STATUTE OF LIMITATIONS.—An action for
21 response costs and damages under subsection (c)
22 may not be brought more than 2 years after the
23 date of completion of the relevant damage assess-
24 ment and restoration plan prepared by the Sec-
25 retary.”.

1 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 313 (16 U.S.C. 1444) is amended by striking
3 paragraphs (1), (2), and (3) and inserting the following:

4 “(1) \$30,000,000 for fiscal year 2000;

5 “(2) \$32,000,000 for fiscal year 2001;

6 “(3) \$34,000,000 for fiscal year 2002;

7 “(4) \$36,000,000 for fiscal year 2003; and

8 “(5) \$38,000,000 for fiscal year ~~2004.~~ 2004;

9 and

10 “(6) \$40,000,000 for fiscal year 2005.”

11 **SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.**

12 Section 314 (16 U.S.C. 1445) is amended by striking
13 subsection (b) and redesignating subsection (c) as sub-
14 section (b).

15 **SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.**

16 Section 315 (16 U.S.C. ~~1446~~ 1445a) is amended by
17 striking “provide assistance” in subsection (a) and insert-
18 ing “advise and make recommendations”.

19 **SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVI-**
20 **SIONS.**

21 Section 316 (16 U.S.C. ~~1447~~ 1445b) is amended—

22 (1) by striking “use” in subsection (a)(4) and
23 inserting “manufacture, reproduction, or other use”;

24 (2) by striking “sanctuaries;” in subsection
25 (a)(4) and inserting “sanctuaries or by persons that

1 enter ~~cooperative agreements~~ *collaborative efforts*
 2 with the Secretary under subsection (f);”;

3 (3) by striking “symbols” in subsection (a)(6)
 4 and inserting “symbols, including sale of items bear-
 5 ing the symbols,”;

6 (4) *by redesignating subsections (c), (d), and (e)*
 7 *as (d), (e), and (f), respectively, and by inserting*
 8 *after subsection (b) the following:*

9 “(c) *COLLABORATIONS.— The Secretary may au-*
 10 *thorize the use of the symbol described in subsection*
 11 *(a) by any person with which the Secretary is en-*
 12 *gaged in a collaborative effort to carry out the pur-*
 13 *poses and policies of this title.”;*

14 ~~(4) striking~~ (5) *by striking* “Secretary; and” in
 15 paragraph (3) of subsection (f), as redesignated, and
 16 inserting “Secretary, or without prior authorization
 17 under subsection (a)(4); or”; and

18 ~~(5)~~ (6) *by adding at the end thereof the fol-*
 19 *lowing:*

20 “~~(f)~~ (g) *AUTHORIZATION FOR NON-PROFIT ORGANI-*
 21 *ZATION TO SOLICIT SPONSORS.—*

22 “(1) *IN GENERAL.—*The Secretary may enter
 23 into an agreement with a non-profit organization au-
 24 thorizing it to assist in the administration of the
 25 sponsorship program established under this section.

1 Under an agreement entered into under this para-
2 graph, the Secretary may authorize the non-profit
3 organization to solicit persons to be official sponsors
4 of the national marine sanctuary program or of indi-
5 vidual national marine sanctuaries, upon such terms
6 as the Secretary deems reasonable and will con-
7 tribute to the successful administration of the sanc-
8 tuary system. The Secretary may also authorize the
9 non-profit organization to collect the statutory con-
10 tribution from the sponsor, and, subject to para-
11 graph (2), transfer the contribution to the Secretary.

12 “(2) REIMBURSEMENT FOR ADMINISTRATIVE
13 COSTS.—Under the agreement entered into under
14 paragraph (1), the Secretary may authorize the non-
15 profit organization to retain not more than 5 percent
16 of the amount of monetary contributions it receives
17 from official sponsors under the agreement to offset
18 the administrative costs of the organization in solici-
19 ting sponsors.”.

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106TH CONGRESS
2D SESSION

S. 1482

[Report No. 106-353]

A BILL

To amend the National Marine Sanctuaries Act,
and for other purposes.

JULY 21, 2000

Reported with amendments